

REMARKS/ARGUMENTS

Claims 1-8, 12, 13 and 16 are pending in the present application.

The claims are allowable for, at least, the reasons set forth herein. Notice thereof is respectfully requested.

Substitute Disclosure

A substitute specification and abstract marked with corrections, and an unmarked copy, are filed concurrently herewith.

Claim Objections

Claims 1-8 are objected to because of formalities. Claims 1, 2 and 5 are amended thereby traversing the rejection.

Claim Rejections - 35 USC § 112, first paragraph

Claims 14-17 are rejected under '35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 14, 15 and 17 are canceled. Claim 16, as amended is fully supported by the specification.

Claim Rejections - 35 USC § 112, second paragraph

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended thereby rendering the rejection moot.

Rejections under 35 U.S.C. 103

Claims 1, 3-5, 8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch.

Claim 14 is canceled and all rejections directed thereto are moot.

Van Damme et al. is cited as teaching various aspects of the invention except for the inclusion of more than 0.1 wt % of nitrogen in the hydrophobic polymer. The Office correctly notes that Van Damme et al. does not teach that polystyrene or methylmethacrylate have more than 0.1% nitrogen since neither has nitrogen at all.

The Office then concludes that the present specification appears to indicate that styrene and methylmethacrylate have the recited content of nitrogen based on the recitation of "consist of" in claim 4. Applicants respectfully suggest that claim 4 is taken out of context and interpreted in a manner that is inconsistent with the meaning of the claim to render an opinion of unpatentability. Claim 4 refers to a copolymer of various monomers wherein some contain nitrogen and, by definition, the copolymer would contain some fraction of a nitrogen containing polymer to meet the limitation of claim 1 from which claim 4 depends. In accordance with the proper interpretation of claim 4 the copolymer must contain a nitrogen containing segment.

Van Damme et al. clearly fails to teach, or suggest, the importance of the nitrogen level as set forth in the instant specification and claims.

Veermersch does not mitigate the deficiencies of Van Damme et al. with regards to the nitrogen content in the recited polymer. Therefore, Veermersch provides no additional teaching which can be relied upon to form a basis of rejection under 35 U.S.C. 103(a) for claims 1, 3-5, 8 and 12-13.

Neither Van Damme, Veermersch, nor the combination thereof, recites the criticality of composition of the hydrophobic polymer particles.

Applicants respectfully request that the rejection of claims 1, 3-5, 8 and 12-13 under U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch be withdrawn.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch et al. as applied to the claims above, and further in view of Leenders et al.

Claim 2 depends from, and further limits claim 1. Claim 1 is believed to be patentable over Van Damme et al. in view of Vermeersch et al. for the reasons previously presented.

Leenders is recited as teaching a list of polymers yet there is no teaching that would lead one of skill in the art to specific combinations of copolymers that would provide an increased print length due to the concentration of nitrogen in the polymer. There is no indication from Leenders, or the art

cited therewith, of any difference in the standard list of polymers.

Absent some teaching to the contrary one of skill in the art would have no reason, or motivation, to control the nitrogen level in the polymer in anticipation of increasing the printing run length. This can only be realized in hindsight based on the unexpected teachings of the present application.

Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch et al. as applied to the claims above, and further in view of Leenders et al. be withdrawn.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch et al., as applied to the claims above, and further in view of Vrancken et al.

Claim 6 ultimately depends from claim 1. Claim 1 is patentable over Van Damme et al. in view of Vermeersch et al. for the reasons set forth previously.

Vrancken is cited as teaching a second layer having a hydrophilic polymer. Vrancken fails to teach the criticality of

the nitrogen content of the polymer and, more particularly, the advantage with regards to run length.

Absent some teachings to the contrary, Van Damme et al. in view of Vermeersch et al. and further in view of Vrancken et al. does not render the claim unpatentable.

Applicants respectfully request withdrawal of the rejection of claim 6 under 35 U.S.C. 103(a) based on Van Damme et al. in view of Vermeersch et al. as applied to the claims above and further in view of Vrancken et al.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch et al., as applied to the claims above, and further in view of Vermeersch et al. ('647).

Claim 7 depends from and further limits claim 1. The inapplicability of Van Damme et al. in view of Vermeersch et al. has been set forth previously.

Vermeersch '647 is cited to teach a specific infrared cyanine dye. Vermeersch '647 fails to provide additional

teaching regarding the polymer and therefore the rejection under 35 U.S.C. 103(a) is improper.

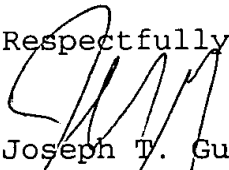
Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Van Damme et al. in view of Vermeersch et al. as applied to the claims above, and further in view of Vermeersch et al. ('647) be withdrawn.

CONCLUSIONS

Claims 1-8, 12, 13 and 16 are pending in the present application. All claims are in condition for allowance. A notice of allowance for all claims is respectfully requested.

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Respectfully submitted,


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